Drawings:

The following original Figures are being replaced to add additional number designations only; no new matter has been added. The original specification is not impacted by this drawing amendment. Please replace the original Figures noted below with the attached Replacement Sheet Figures:

Replace Figure 3 with Replacement Sheet Figure 3. This update adds number designation 23.

Replace Figure 9 with Replacement Sheet Figure 9. This update adds number designations 18 and 19.

Replace Figure 10 with Replacement Sheet Figure 10. This update adds number designations 2, 18 and 23.

Replace Figure 11 with Replacement Sheet Figure 11. This update adds number designations 18, 19, 25, 30 and 31.

Replace Figure 14 with Replacement Sheet Figure 14. This update adds number designations 25 and 36.

Replace Figure 15 with Replacement Sheet Figure 15. This update adds number designations 18, 19 and 31.

Replace Figure 16 with Replacement Sheet Figure 16. This update adds number designation 18.

Replace Figure 17 with Replacement Sheet Figure 17. This update adds number designations 18, 19 and 20.

Replace Figure 26 with Replacement Sheet Figure 26. This update adds number designation 1.

Replace Figure 27 with Replacement Sheet Figure 27. This update adds number designations 5, 18, 19 and 20.

Replace Figure 28 with Replacement Sheet Figure 28. This update adds number designations 2 and 18.

Remarks

The purpose of the current patent is to create a unique upper shelf assembly for a workbench that utilizes dimensional lumber pieces, also referred to as "dry dimension lumber" or "framing lumber," as its holding surface. The horizontal member of the upper shelf assembly is sized in front-to-back length equal to the product of the average width of a specific type of dimensional lumber piece, times an integer number of pieces. The horizontal member of the upper shelf assembly enables two "sets" of dimensional lumber pieces to form a butt-joint centered over the width of the horizontal member, thereby permitting continual lengthwise expansion of an unobstructed holding surface with the addition of upper shelf assemblies and sets of dimensional lumber pieces. A set is defined as a quantity of dimensional lumber pieces, spanning the full front-to-back length of the horizontal member, supported by two spaced apart upper shelf assemblies.

The vertical member of the upper shelf assembly features installed shoulder rivets and spacers that enable the shelf vertical member to be mated to a workbench leg by inserting the shoulder rivets into teardrop shaped slots in the leg member and resulting in a mate-offset condition between the adjoining mating surfaces, the gap of which is equal to the width of the said spacer. This gap permits additional horizontal members to be inserted between the two mated vertical members without

uninstalling the two vertical members. This unique combination of shoulder rivets and spacers allows for rapid attachment of the shelf vertical member to workbench a leg assembly.

Claims 2-4, as originally filed, have been cancelled in favor of claims 9-12, presented herein. Original claims 2-4 were rejected under 35 USC 102(b) as being anticipated by Kluge et al. (US Patent 6,161,709). Reconsideration of this rejection is respectfully requested with regard to new claims 9-12, which are believed to fully comply with the requirements of 35 USC 102(b). Justification for acceptance of claims 9-12, in regard to Kluge et al. (US Patent 6,161,709), is detailed below.

Figure 1 of Kluge et al. depicts a shelf member consisting of a one-piece solid panel that protrudes outward past each of the two shelf support brackets. There is no attempt to illustrate, nor does the patent describe, that the front-to-back length of the shelf support bracket is sized to accommodate an integer number of dimensional lumber pieces, set side by side, as detailed in the Sheahan et al. application. Figure 1 of Kluge et al. does not depict, nor does the patent describe, that the shelf support bracket serves as a support structure for dimensional lumber pieces spanning in a left or right direction perpendicular to the lengthwise centerline of the shelf support bracket, thereby enabling two sets of dimensional lumber pieces to form a butt-joint centered over the width of the shelf support bracket. The ability of the shelf horizontal

member to support such a said butt-joint and thereby permit a continuous unobstructed holding surface is inherent in the Sheahan et al. application.

Figures 1, 2, 5, and 6 of Kluge et al. illustrate that the shelf support bracket supports a shelf member consisting of a one-piece solid panel, using the top of the central web as a support for the bottom surface of the said shelf member. As detailed in the next paragraph, this said central web is incapable of accommodating two sets of dimensional lumber pieces forming a butt-joint located at the lengthwise centerline of the shelf support bracket. The Sheahan et al. application presents the capability of the shelf horizontal member to accommodate a said butt-joint of two sets of dimensional lumber pieces.

Figures 1, 2, 5, 6 and 8 of Kluge et al. illustrate that one set of holes, located along the lengthwise centerline of the central web portion of the shelf support bracket, is used to attach the shelf member consisting of a one-piece solid panel. One set of holes is not capable of securing two sets of dimensional lumber pieces forming a butt-joint at the lengthwise centerline of the shelf support bracket. As a minimum, two sets of holes are required, as detailed in Sheahan et al., and these two sets of holes must be separated from each other by a sufficient distance to achieve proper "fastener to edge-of-wood" distance when fastening the ends of

the dimensional lumber pieces to the bracket. This said distance is mandatory to prevent splintering the wood members.

Kluge et al. Figures 1, 2, 5, 6 and 7 depict and the Detailed Description section of this said patent states, that the shelf support bracket has "downward extending teeth." Kluge et al. further define the role of the shelf support bracket's downward extending teeth as: "a self-locking or self engaging action is achieved, under the influence of gravity, as articles placed on the shelf members S tend to urge the shelf support brackets downwardly, thus enhancing engagement of the upright elements 14 with the downwardly open notches of the shelf support brackets." The direction of these teeth constrain the Kluge et al. shelf system such that the "invertible support bracket's" central web must be orientated upward when the bracket is to be used as a support member for a shelf. The term "invertible support bracket" is used within Kluge et al. to define the support bracket before it is designated as either an upper support bracket or a shelf support bracket. If the "invertible support bracket's" central web was located downward (i.e., flanges-up) and it was acting as a support member for a shelf, its teeth would disengage from the upright elements causing the shelf to be unstable. Kluge et al.'s upward orientation of the central web of the shelf support bracket is in complete contrast to the shelf horizontal member's "flanges-up" orientation as depicted in the Sheahan et al. application.

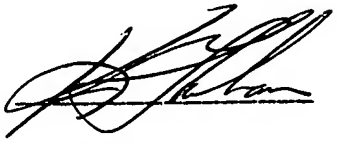
Kluge et al. Figures 2, 3 and 4 depict and numerous specification sections of this said patent state that the upper support bracket has "upwardly" extending teeth. As stated above, this central web 'down' orientation of the upper support bracket, in combination with its upwardly extending teeth, renders it incapable of serving as a shelf support as its teeth would disengage from the upright elements.

Figures 1 and 2 of Kluge et al. illustrate that the upper support bracket is intended to be attached to rafters; said rafters extending outward beyond the width of the flanges of the upper support bracket. There is no attempt to illustrate, nor does the patent describe, the intent of the upper support bracket to serve as a shelf support. As detailed in Sheahan et al., the shelf horizontal member does serve as a shelf support.

The upright elements illustrated in Kluge et al. do not contain pre-installed shoulder rivets and spacers that ease its installation onto other vertical members. These shoulder rivets and spacers are contained in the shelf vertical member design of Sheahan et al., and their functions are explained in detail.

In view of the foregoing amendments and remarks, it is believed that new claims 9-12 are clearly patentable and that this application is now in condition for allowance.

Respectfully submitted,

By: 

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On 12/27/05.

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